

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 30, 2004. Claims 1-17 remain pending in this application. Claims 1, 8, and 11 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-3 and 13 under 35 U.S.C. § 102(b) as being anticipated by Layson Jr. (U.S. Patent No. 5,731,757; hereinafter "Layson"). The Office Action also rejected Claims 7 and 14-17 under 35 U.S.C. § 103(a) as being unpatentable over Layson. The Office Action also rejected Claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over Layson in view of Odagiri et al (U.S. Patent No. 5,905,460; hereinafter "Odagiri"). The Office Action also rejected Claims 8-11 under 35 U.S.C. § 103(a) as being unpatentable over Odagiri. The Office Action also rejected Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Odagiri in view of Layson. Applicants respectfully traverse the rejections for at least the following reasons:

Layson fails to recite or suggest sounding an alarm in response to either adverse performance of the GPS receiver or to an event which is adverse or likely to be adverse to the performance of the GPS receiver. Rather, Layson recites electronic tamper

sensors and motion sensors for determining whether a portable tracking device violates place scheduling rules and location constraints. (See, e.g., Col. 1, lines 51-61, Col. 3, lines 51-55, and Col. 4, lines 3-6) Layson's device does not anticipate an event which is likely to be adverse until such event (e.g., tampering, distance between the device and the wearer, movement beyond the scheduling/location constraints, or low battery). Rather, it exclusively reacts to predefined violations of rules stored in a memory. Thus Applicants believe the rejection of Claims 1-3 and 13 over Layson to be in error and respectfully request their withdrawal.

Claims 7 and 14-17 depend from one or another of the independent Claims discussed above and are believed patentable for at least the same reasons. In addition, Applicants respectfully believe Claims 7 and 14-17 to be independently patentable and request separate consideration of each claim.

Odagiri fails to compensate for that which Layson lacks. Specifically, Odagiri deactivates the receiver operation of the GPS receiver in response to movement, while relying on motion sensors and judgment means and processors to determine the distance a user moves (see, e.g., Col. 5, lines 47-67). This prevents wasteful measurement to save power consumption (see, e.g., Col. 5, lines 15-18). Odagiri's deactivation of the GPS receiver operation runs

expressly counter to Applicant's invention, in that it stops measuring rather than sounding an alarm in response to movement of the GPS receiver in so far as that movement is adverse to the performance of the GPS receiver. The intent of Odagiri is not to inform the user that movement is adverse to the performance of the GPS receiver, but rather, to passively rely on other distance measurements in lieu of GPS while GPS is deactivated. The former discourages continued motion, while the latter encourages continued motion to save power. Thus one of ordinary skill in the art at the time of the invention would lack expectation of success for Odagiri to satisfy all the elements of Applicants' Claims 4-6 and 8-11.

In addition, Applicants respectfully traverse the § 103 rejection of Claim 12 as being moot in light of the above remarks. Applicants respectfully request withdrawal of the § 103 rejection of Claim 12.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently-pending claims are clearly patentable. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited. Please charge any additional fees which may now or in the future be required in this application, including extension of time fees and fees for claims added upon amendment, but excluding the issue fee

unless explicitly requested to do so, and credit any overpayment,
to Deposit Account No. 14-1270.

Respectfully submitted,

By 

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